

<h2 style="text-align: center;">Drug and Alcohol Testing Questions</h2>		Agency Name _____ Date _____ Reviewer _____
<h3 style="text-align: center;">Policy Document</h3>		
1. Does the employer (transit system or subcontractor) have a Drug and Alcohol Testing Policy document?		Required. Can be separate Policy and procedural documents, so long as Policy includes other by reference & both are available to employees, etc.
2. Does employer's Drug and Alcohol Testing Policy indicate that it was adopted by the governing board of the employer?		Required. Should include documentation of such action, such as a (dated) resolution or minutes of board meeting.
3. Is there evidence that Policy has been updated and readopted? [Verify date of most recently adopted update.]		Required to keep up-to-date and for current version to be adopted. Text should address updates.
4. Does the Policy list a contact person designated by employer to answer employee questions about testing program?		Required.
5. Does the Policy list the local job classifications that are subject to testing?		Required. Generally categories include: Operating a revenue vehicle including when not in revenue service; operating a non-revenue vehicle when required to be operated by a holder of a CDL; controlling movement of a revenue service vehicle; maintaining, repairing, overhauling, and rebuilding a revenue service vehicle or equipment used in revenue service with the exception of: all maintenance contractors of grantees in UZAs under 200,000, and subcontractors of maintenance contractors; carrying a firearm for security purposes. All contract maintenance services performed for 5311 transit agencies are excluded from the drug and alcohol testing rules. Maintenance services that are performed on an ad hoc, or one time basis are not subject to the rules.
6. Do all listed job classes appear to fit definition of safety-sensitive positions per FTA rule?		See below.

7. Does the Policy indicate that all testing is done under FTA authority, or does it indicate that additional testing is conducted under other authority?		Must reference FTA authority. If testing other than safety-sensitive positions, must also reference separate authority for that testing.
8. Does the Policy accurately indicate what behaviors are prohibited with regard to drugs and to alcohol under FTA rule?		Required. (no use of illegal drugs at any time/no consumption of alcohol while on duty or in period prior to duty)
9. Does the Policy give specifics of the required period of compliance regarding alcohol consumption?		Required. Needs to address on-call period and period prior to safety sensitive duties as well as while on duty. (No alcohol for 4 hours prior to safety-sensitive duty or while on-call.)
10. Does the Policy address the need for new pre-employment/assignment test for persons out of testing pool for 90 days or more?		Required.
11. Does the Policy either give detailed description of collection and testing procedures and safeguards or make reference to Part 40?		Required.
12. Does the Policy state that covered employees are required to submit to testing under the program?		Required.
13. Does the policy describe the consequences of a non-negative drug test or alcohol test equal to or exceeding .04?		Required. (Consequences must, at minimum, involve immediate suspension from safety-sensitive position until completion of SAP-determined treatment and passage of return-to-duty test. Policy must include referral to SAPs, even if no "second chance" is offered)
14. Does the policy describe what will constitute a test refusal and the consequences thereof?		Required. (Must, at minimum, be treated the same as a non-negative drug test or alcohol result of .04 or greater.)
15. Does the policy describe the consequences of an alcohol test result showing Blood Alcohol Concentration (BAC) at least .02 but less than .04?		Required (Consequences must, at minimum, be removal from safety sensitive duties for remainder of shift and/or until BAC tests out below .02.)
16. Does the policy discuss the employee's right to request analysis of the split specimen in the case of a drug "positive" and the procedure for making such request?		Required.
17. Does the policy identify the individuals serving as the MRO and SAP under the program and give their credentials?		Required.

18. If “second chance” is offered, does the Policy discuss follow-up testing program?		Required (Actual testing regimen is prescribed by SAP, but must include minimum of six random tests in first year and may extend to five years.)
Procedures		
19. Does your system have documentation that each employee has received a copy of your testing policy?		Required.
20. Does your system have documentation that all employees have received training on the consequences of using illegal drugs and of misusing alcohol?		Required.
21. Does your system keep a record of employees selected for random testing and whether the tests were actually conducted?		Required. Records must be maintained for at least two years.
22. If your system has had employees selected for random testing, that were not tested, do you have documentation of the reasons why the test was not completed?		Required. Records must be maintained for at least two years.
23. Describe the security measures taken by your system to keep employee test records/results confidential.		See specific questions below.
24. Are employee test records/results kept in a separate file cabinet with lock?		Required.
25. Is the file cabinet containing employee test records/results actually kept locked, except when accessing a file?		Access control is required.
26. Who has access to these records/results?		Should be minimal number of persons.
27. How are test results received from the BAT or MRO? Who receives these results?		Must be secure communication to agency and must maintain security within agency.
28. Who files the results?		Must be A & D program manager or one of confidential staff.

29. If an employee authorizes release of test results (possibly to a potential new employer or to a court, etc.), who is involved in transmitting the information?		Must be one of confidential staff.
30. Describe the security measures taken to keep the list of employees selected for random testing confidential.		See specific questions below.
31. Who selects employees for random testing?		Can be internal or by third party administrator
32. If selection is by an outside party, how does system receive selection information? Who has access?		Must be secure communication and must maintain security within agency.
33. Who determines when collection will be conducted for selected employees?		Needs to be handled by A & D program manager or at least within confidential staff.
34. What criteria are used to schedule collections?		Criteria should include spreading tests over the selection period as well as spreading tests over days of week, time of day, etc.
35. How are employees notified to report for collection? Who is involved in notification process?		Must maintain confidentiality. (should not be via radio, etc.) Must involve only confidential staff.
36. How much time is employee given from time of notification to report to the collection site?		Rule requires they be given no more time than necessary to reach collection site.
37. Are substitutes used to fill in while selected employee reports for collection? If so, how is notification to substitute handled?		Some of the collections must be scheduled during work time-not just before or after shift. If nonconfidential staff are used as subs, must prevent breach of confidentiality.
38. If substitutes are not used, how does system cover for employee sent to collection site?		May use confidential staff. May not schedule collections only during off-duty periods.
39. Is the collection site informed who will be reporting and when they should arrive? If so who handles this notification?		Advance notice must take place so that collection site verifies identity of reportee and can notify employer of late reports which are "test refusals"
40. Does the collection site notify the transit system once employee has reported (or particularly if employee does not report within specified timeframe)? If so, who is involved in receiving this information?		Need such notification, but must be received by confidential staff.

41. Do system's testing records include the time of notification and time of report to collection site for all random tests?		This record is critical to determination of whether there have been test refusals.
42. Do system's testing records document all accidents/incidents, indicating which meet FTA post accident testing thresholds, and documenting reasons why testing was not done for any where driver and/or mechanics were not tested?		Required. This is critical to determining compliance.
43. Who makes the decision whether to send driver and/or others for collection following a fatal accident?		Driver must always be tested, assuming they survived. Mechanic who worked on bus systems recently must be tested unless they can be completely discounted as contributing. Who decides that should be determined in advance.
44. Who makes the decision whether to send the driver and/or others for collection following a non-fatal accident?		Driver must be tested, unless their actions can be <i>completely</i> ruled out as a contributing factor, if: one or more individuals is immediately transported for medical treatment away from the scene and/or any vehicle incurs disabling damage requiring a tow truck. Also, depending on facts, testing of mechanic may be indicated.
45. Who decides whether a particular accident involves disabling damage?		Needs to be someone other than driver, who could have conflict of interest.
46. How is decision-maker made aware of all system accidents within your system? _____ Does this happen quickly enough to allow compliance with the post accident testing timeframes?		Procedures must be in place to assure that decision-maker receives information in time to make decision.
47. What happens if there is an accident and the decision-maker is unavailable?		Contingent plans should be made. Issues of confidentiality may be involved. Possibly test unless can get "no test" decision.
48. Does system use a form to document post accident decisions regarding testing?		Documentation is required. A form would be helpful to make sure that all issues are addressed for the file.
49. Have there been any accidents which should have triggered testing, but for which no timely testing was conducted?		Intent is to discuss why and what could have been done to avoid situation.
50. Explain why testing was not completed in these cases. [Ask to see documentation.]		See above.

51. Have contingent arrangements been made to allow for collections/testing at all times and in all locations that transit service is being provided? (This would include incidental service if FTA-funded vehicles are being used or if counted as part of the system's statistics for funding.)		Must be able to conduct post accident testing at any time service is provided.
52. Who makes the decision on whether to send an employee for reasonable suspicion testing?		See next question.
53. Have these persons/Has this person received the required supervisor training to recognize signs of drug use/alcohol misuse?		Required. [New rule says single supervisor makes decision to require testing with no collaboration.]
54. Does system have a form to document determination of reasonable suspicion? Are these kept as part of the testing program records?		Again documentation is required. A form can help assure that process is documented properly.
55. Do system records verify that all employees hired into safety-sensitive positions have passed an FTA pre-employment drug test before being put on payroll?		Required. (Part 655 will allow candidates to be hired into classroom training status or other nonsafety-sensitive functions, but may not perform safety-sensitive duties.)
56. Do system's records verify that any existing non-safety-sensitive employee transferred to safety-sensitive duties, first passed an FTA pre-employment drug test?		Required.
57. Were previous DOT-covered employers from last two years queried about drug and alcohol test results for each new employee hired into safety-sensitive positions?		Required. Must request the D&A testing history from the past two years before the date of the employee's application.
58. Were any other DOT-covered employers from last two years queried about drug and alcohol test results for any employee transferred into safety-sensitive position?		Required. Must request the D&A testing history from the past two years before the date of the employee's transfer.
59. Does system have policy on employing person who has previously had non-negative test or test refusal?_____ If so what is it? Is it consistent with system's second chance policy?		Needed/should coordinate w/2nd chance policy. (Note that system must verify that any person with prior non-negative test or test refusal must complete SAP recommended treatment and pass return to duty test before being put in safety-sensitive position and must be subject to follow-up testing as set-out by original SAP.)
60. Has system reviewed the credentials of designated MRO and SAP?		Transit system is responsible for compliance and should not rely strictly on third party administrator.

61. Has system verified that MRO and SAP functions are (still) being performed by individuals identified in system's Drug and Alcohol Testing Policy document?		Requirement for MRO/SAP is based on individual who must be involved—not just staff. Requirement to list individual in Policy means transit system must monitor staffing changes.
62. Has system reviewed the procedures followed by each collection site it uses routinely?		Transit system is responsible to make sure collection site procedures are consistent with USDOT required procedures.
63. If system subcontracts for any safety-sensitive functions other than third-party maintenance, does contract specifically require compliance with FTA drug and alcohol testing?		Required.
64. What steps are taken to monitor subcontractor compliance?		Transit system is responsible for assuring compliance. No set monitoring regimen is required.
65. Has subcontractor's list of covered employees been reviewed?		Verifying pre employment tests and inclusion on covered employee lists are possible areas of monitoring.
66. Is post accident testing record of subcontractor compared to accident reports received?		If receiving accident reports, this is a logical method of monitoring.
67. Has system conducted any review of procedures at designated collection sites within your area?		Again, transit system is responsible for compliance of collection site and should not rely on third party administrator.
68. If additional drug or alcohol testing is conducted under employer's own authority, is this made clear to employees/collection site/etc.? Are non-federal chain-of-custody forms used?		Required, if tests other than FTA-mandated tests are being conducted.
69. How long are records maintained relating to verified positive tests and test refusals?		Retention for five years required.
70. Has system been asked about drug and alcohol test results of former employees? _____ Was query accompanied by signed release? _____ Did system provide the requested information in a timely manner?		Required.
71. Has system had any job applicants with non-negative test results? _____ If so, were they provided with information on available SAPs?		Required.

72. Are all drivers listed on your vehicle insurance policy included in your random testing pool? _____ If not, why not?		Anyone who is authorized to drive FTA-funded revenue vehicles should be included in the pool.
73. Are the random testing rates of 25-percent for drugs and 10-percent for alcohol achieved?		Random testing rates of safety sensitive employees for drugs and alcohol must be conducted at levels specified by FTA.